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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,558

04/22/2005

Hartmut Eisenhauer

27428/40678

6285

4743

7590

11/03/2006

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EXAMINER

THOMPSON, JEWEL VERGIE

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/532,558

Applicant(s)

EISENHAUER, HARTMUT

Examiner

Jewel V. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


JEWEL THOMPSON
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/22,28/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. Acknowledgement is made of the Information Disclosure Statement filed April 22 and 28 2205, which has been made record of and placed in the file.

Priority

2. Acknowledgement is made of the Priority filed April 22, 2205, which has been made record of and placed in the file.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **counterweight comprising at least parts of the magnet components** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not

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be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 13 is objected to because of the following informalities: the reed-contact switch has non antecedent basis, claim 13 depends from claim 2 and claim 2 does not mention the reed-contact switch. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10,15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Welsh et al (3,992,598).

Regarding claim 1, Welsh et al teaches device for monitoring an air supply flow or a volumetric air flow (col. 2, lines 30-39), comprising an approach-flow component (17) adapted to be struck by an air flow that is to be monitored so as to produce a change in its position (col. 1, lines 47-50); a holder (23) on which the approach-flow component the is mounted but relative to which the approach-flow component can change its position against a retaining force FM (fig. 2); magnet components (24) adapted to produce a magnetic field that depends dependent on the position of the approach-flow component, the force of the magnetic field forming at least part of the retaining force FM; detection means (11) adapted to detect a the magnetic field; and measurement means (14) adapted to generate a measurement signal that depends on the strength of the magnetic fielded

Regarding claim 2, Welsh et al teaches the magnet components comprise a permanent magnet (col. 5, lines 50-56).

Regarding claim 3, Welsh et al teaches the permanent magnet is attached to the approach-flow component (fig. 2).

Regarding claim 4, Welsh et al teaches the permanent magnet (4) is fixedly attached to the holder and a magnetic-in-particular element is attached to the approach-flow component (fig. 2).

Regarding claim 5, Welsh et al teaches the approach flow component comprises a flap (fig. 1) rotatably suspended in such a way that the air flow exerts a moment of torque on the flap, about its axis of suspension (col. 5, lines 30-35).

Regarding claim 6, Welsh et al teaches the approach-flow component is provided with at least one counterweight (21) so that it can be installed regardless of the force of gravity and of its position.

Regarding claim 7, Welsh et al teaches the approach-flow component is eccentrically seated and a larger area portion of the approach-flow component is provided as the counterweight (fig. 1).

Regarding claim 8, Welsh et al teaches the counterweight also comprises at least parts of the magnet components (fig. 2).

Regarding claim 9, Welsh et al teaches the measurement means comprises a reed contact (10), which is disposed in a reed-contact switch (col. 3, lines 9-12).

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Regarding claim 10, Welsh et al teaches the reed-contact switch is disposed in such a way that in the magnetic field it generates at least part of the retaining force FM (col. 3, lines 9-12).

Regarding claim 15, Welsh et al teaches the housing is constructed in such a way that the effective area of the approach-flow component can be altered by way-of constructing the holder constructed as a housing (fig. 2).

Regarding claim 16, Welsh et al teaches the approach-flow component is mounted in such a way that it is in the a resting state when the permanent magnet component is retained by the retaining force FM at the shortest distance to the reed-contact switch (fig. 2)

Regarding claim 17, Welsh et al teaches the holder is constructed as a housing and the measurement means (9) are disposed in the housing (fig. 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welsh et al in view of Von Kreisler et al (DE 2744901A).

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Regarding claim 11, Welsh et al fails to teach means are provided so that the retaining force FM can be adjusted. Von Kreisler et al teach adjustment means (27, 28 and 29). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the adjustment means of Von Kreisler in the apparatus of Welsh et al for purpose of increasing the retention force.

Regarding claim 12, Welsh et al fails to teach the adjustment components means comprise additional magnetic elements that can be brought into the magnetic field. Von Kreisler et al teaches magnetic elements that can be brought into the magnetic field (fig. 1). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the magnetic elements of Von Kreisler et al in the apparatus of Welsh et al for the purpose of determining the force.

Regarding claim 13, Welsh et al teach the position of the reed-contact switch (9) can be adjusted with respect to its distance from the permanent magnet (4) in order to provide an adjustment means whereby the retaining force FM can be adjusted (fig. 2, col. 3, lines 9-12)

Regarding claim 14, Welsh et al teach an effective area of the approach-flow component (3) can be altered (fig. 2)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jewel V. Thompson whose telephone number

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is 571-272-2189. The examiner can normally be reached on 7-4:30, telework on Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 23, 2006


JEWEL THOMPSON
PRIMARY EXAMINER